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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/697,931	10/31/2003	David C. Nelson	ZIC.5036.36	8945

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EXAMINER

BUI, LUAN KIM

ART UNIT	PAPER NUMBER
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3728

DATE MAILED: 08/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/697,931

Applicant(s)

NELSON ET AL.

Examiner

Luan K. Bui

Art Unit

3728

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 4-9 is/are rejected.
- 7) ☒ Claim(s) 3 and 10 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Drabick (5,509,601).

Drabick discloses a lid support (10) comprising a support platform (15) and a plurality of platform supporting legs (11-14) extending downwardly from the support platform. The combined structure of the support platform and the support legs is such that a plurality of the lid supports are able to be intimately stacked for efficient storage (Figure 6).

3. Claims 4, 5 and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Beck et al. (4,877,609; hereinafter Beck'609). Beck'609 discloses a lid support (30) comprising a support platform (42) and a serrated edge (52, 64) extending downwardly and outwardly from the support platform (Figure 2). As to claim 5, Beck'609 discloses the support platform includes a grasping member (40) serves as a handle. As to claim 7, Beck'609 discloses the serrated edge provided on a serrated support leg (56, 60).

4. Claim 4 is rejected under 35 U.S.C. 102(b) as being anticipated by Barden (D 28,186). Barden discloses a knife capable of supporting a lid comprising a support platform (B) and a serrated edge (A) extending downwardly and outwardly from the support platform (Figure 1).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Drabick (5,509,601) in view of Marotta (5,600,889). Drabick discloses the lid support as above having all the limitations of the claim except for the support platform being tapered to provide a narrower portion and wider portion and a first platform support leg extends downwardly proximate a front edge of the narrower portion and second and third platform support legs extend downwardly proximate a rear edge of the wider portion. Marotta shows a lid support (26, 28) comprising a support platform and first, second and third platform support legs (30) extending downwardly from the support platform (Figure 4). Marotta further discloses the lid support may be any of a variety of shapes such as oval, rectangular, square or polygonal (column 3, lines 20-21). It would have been obvious to one having ordinary skill in the art at the time the invention was made in view of Marotta to modify the shape of the support platform of Drabick so the support platform is tapered to provide a narrower portion and wider portion and a first platform support leg extends downwardly proximate a front edge of the narrower portion and second and third platform support legs extend downwardly proximate a rear edge of the wider portion because the selection of the specific shape for the support platform such as the support platform as claimed or shows by Marotta would have been an obvious matter of design choice inasmuch as the resultant structures will work equally well.

Art Unit: 3728

7. Claims 6 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beck et al. (4,877,609; hereinafter Beck'609) in view of Steck et al. (6,694,619; hereinafter Steck'619).

Beck'609 discloses the lid support (30) as above having all the limitations of the claim except for the grasping member being a hole in the support platform. Steck'619 shows a lid support comprising a support platform having a grasping member and the grasping member is a hole (2) in the support platform. It would have been obvious to one having ordinary skill in the art in view of Steck'619 to modify the grasping member of Beck'609 so the grasping member comprises a hole in the support platform to facilitate holding. As to claim 8, Steck'619 shows at least three support legs.

8. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over the references as applied to claim 8 above, and further in view of Drabick (5,509,601). Beck'609 discloses the lid support (30) as above having all the limitations of the claim except for the combined structure of the support platform, the serrated support leg and the platform support legs is such that a plurality of the lid supports are able to be intimately stacked for efficient storage (Figure 6). Drabick teaches a lid support (10) comprising a support platform (15) and a plurality of platform supporting legs (11-14) extending downwardly from the support platform. The combined structure of the support platform and the support legs is such that a plurality of the lid supports are able to be intimately stacked for efficient storage (Figure 6). It would have been obvious to one having ordinary skill in the art in view of Drabick to modify the lid support of Beck'609 as modified so the combined structure of the support platform, the serrated support leg and the

Art Unit: 3728

platform support legs is such that a plurality of the lid supports are able to be intimately stacked for efficient storage to reduce the cost.

Allowable Subject Matter


9. Claims 3 and 10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Luan K. Bui whose telephone number is (571) 272-4552. If in receiving this Office Action, it is apparent to Applicant that certain documents are missing from the record for example copies of references cited, form PTO-1449, form PTO-892, etc., requests for copies of such papers should be directed to Ms. Errica Miller at (571) 272-4370.

Any inquiry of a general nature or relating to the status of this application should be directed to the Customer Service whose telephone number is (703) 306-5648. Facsimile correspondence for this application should be sent to (571) 273-8300 for Formal papers and After Final communications.

lkb
August 25, 2005



Luan K. Bui
Primary Examiner